

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JUAN CARLOS VERA ,

Plaintiff,

vs.

JAMES O'KEEFE III, et al.,

Defendants.

CASE NO. 10cv1422-L (MDD)

ORDER GRANTING  
DEFENDANT'S MOTION FOR A  
PROTECTIVE ORDER  
[DOC. NO. 52]

On September 20, 2011, Plaintiff issued subpoenas to phone companies AT&T and Verizon seeking Defendant's phone records from May 18, 2009 to October 18, 2009. Id. Plaintiff also served Defendant with a request for production of documents seeking Defendant's phone records. Id. Defendant refused to comply with the request, and on September 23, 2011, this Court denied Plaintiff's Motion to compel, holding that Defendant's phone records were irrelevant to Plaintiff's claims. (Doc. No. 43). On September 27, 2011, counsel for Defendant met with Plaintiff's counsel and requested that the subpoenas to AT&T and Verizon be withdrawn based on the Court's September 23, 2011 Order, but Plaintiff refused. (Doc. No. 52).

On October 21, 2011, Defendant James O' Keefe filed the instant Motion for a Protective Order, seeking that the Court direct AT&T and Verizon not to comply with Plaintiff's subpoenas, or in the alternative, that these subpoenas be quashed. (Doc. No. 52). Defendant also requests that Plaintiff pay his expenses connected with filing his Motion, including attorney's fees. Id.


Also pending before the Court is a Motion to Quash these subpoenas filed on October 19,

1 2011, by Defendant Hannah Giles (Doc. No. 48). Additionally, both Plaintiff and Defendant O'Keefe  
2 have objections to this Court's September 23, 2011 discovery order. (Doc. Nos. 44 and 46).

3 In order to prevent unfair prejudice to Defendant, Defendant's Motion for a Protective  
4 Order is hereby **GRANTED** pending resolution of the parties' objections to this Court's  
5 September 23, 2011 discovery order and Defendant Giles' Motion to Quash. Any phone  
6 companies subpoenaed by Plaintiff are **ORDERED** not to provide Defendant's phone records or  
7 otherwise comply with Plaintiff's subpoenas at this time. The Court further **ORDERS** that to the  
8 extent Plaintiff has already received responses from AT&T or Verizon, those responses are to be  
9 sealed and Plaintiff shall make no use of them until he receives further direction from the Court.

10 **IT IS SO ORDERED.**

11 DATED: November 1, 2011

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14 Hon. Mitchell D. Dembin  
U.S. Magistrate Judge  
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